Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Sections 90.20 and 90.175 of the	)	**WT Docket No. 02-285**
Commission's Rules for Frequency Coordination	)	**RM-10077**
Of Public Safety Frequencies in the Private Land	)	
Mobile Radio Below-470 MHz Band	)	

Comments of the Industrial Telecommunications Association. Inc.

The Industrial Telecommunications Association, Inc. **(ITA)** hereby respectfully submits its comments in response to the Commission's *Notice* of ***Proposed*** *Rulemaking* (NPRM) in the above-referenced matter.[1] The ***NPRM*** seeks comment on amendments to Section's 90.20[2] and 90.175[3] of its rules to expand competition in frequency coordination services in the public safety pool below 470 MHz.[4] As discussed in more detail below, ITA urges the Commission to expand competition in frequency coordination services in all public safety (PIS) and industrial/business (I/B) radio pools below 470 MHz to all FCC-certified P/S and I/B frequency coordinators.

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1 ***See*** Amendment of Sections 90.20 and 90.175 of the Commission's Rules for Frequency Coordination of Public Safety Frequencies in the Private Land Mobile Radio Below-470 MHz Band, *Notice* of ***Proposed Rulemaking,*** WT Docket No. 02-285 (rel. Sept. 19, 2002) ***(NPRM).***

2 47 C.F.R. § 90.20.

3 47 C.F.R. § 90.175.

4 NPRM at ¶ 1.

II. Background

The P/S and I/B pools of frequencies under Part 90 of the Commission's rules continue to undergo scrutiny to determine if increased competition in frequency coordination will promote the provision of these respective services to the public. In 1997, the Commission consolidated twenty private land mobile radio services (PMRS) into these two pools of frequencies, introducing competition into the I/B pool and the Local Government Radio Service within the P/S pool.[5] The Commission also established competitive frequency coordination procedures for public safety services in the 700 MHz band in 1998[6] and for public safety pool channels in the 800 MHz band in 2001.[7] In addition, the Commission recognized the benefits of competitive coordination services at 800 MHz and 900 MHz by opening up coordination in both the business and industrial/land transportation pools to ITA, MRFAC, Inc., Personal Communications Industry Association, the United Telecom Council, and subsequently to the Forest Industries Telecommunications and the American Mobile Telecommunications Association, Inc.[8]

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5 ***See*** Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Services, ***Second Report and Order,*** PR Docket No. 92-235 (rel. Mar. 12, 1997) (Refarming Second Report and Order). As noted by the Commission in its NPRM, competition in the Local Government Radio Service has been successful to date.

6 ***See*** Development ***of*** Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Establishment of Rules and Requirements for Priority Access Service, ***First Report and Order and Third Notice of Proposed Rulemaking,*** WT Docket No. 96-86 (1998).

7 ***See,*** International Association of Fire Chiefs, Inc., and International Municipal Signal Association Informal Request for Certification as a Frequency Coordinator for PLMR 800 MHz and 900 MHz Public Safety Frequencies; and American Association of State Highway and Transportation Officials, Informal Request **for** Certification as a Frequency Coordinator for PLMR 800 MHz Public Safety Frequencies, ***Order*** (rel. July 25,2001).

8 ***See,*** United Telecom Council Informal Request for Certification as a Frequency Coordinator in the PLMR 800 MHz and 900 MHz Bands, ***Order,*** DA 01-944 (rel. Apr. 18, 2001) which certified ITA, MRFAC, PCIA and UTC to coordinate 800 MHz and 900 MHz business and industrial/land transportation frequencies (800/900 Competition Order). ***See also,*** Wireless Telecommunications Bureau

pool. Likewise, an I/B applicant could select a P/S pool coordinator to find the appropriate I/B Pool channels.''

As the Commission, itself, noted, "ULS has increased cooperation among all FCC-certified frequency coordinators" and "has made it easier for coordinators to communicate and to share information."" **ITA** agrees. Furthermore, under the current ULS licensing system, coordination in the P/S and I/B pools will not require any changes to a coordinator's system. **A** frequency coordinator could begin processing applications immediately since it is commonplace for all coordinators to share and upload new data from other coordinators, including P/S and I/B pool applications, on a daily basis. Even if a coordinator did not upload new data directly from other certified coordinators, it could upload new data from the ULS database on a daily basis." Under a competitive structure, frequency coordinators would continue to notify the other coordinators of actions taken in both the P/S and I/B pools. Since the coordinators exchange information daily, the services provided by coordinators would not be disrupted.

Competitive coordination would also promote the public interest. **As** the Commission noted in the 800/900 MHz Competition Order, "the introduction of competitive PLMR coordination generally has been successful," and further states that, "we find it in the public

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12 It should be noted that electing this option is just that: an option. No P/S applicant should be required to use the services of an I/B frequency coordinator and no I/B applicant should be required to use the services of a P/S frequency coordinator.

13 NPRM at ¶ 12.

14 For example, **ITA** uploads **new** ULS data on a daily basis, in addition to uploading data directly from other frequency coordinators or the engineering service they use on a daily basis, if not multiple times a day.

(separately) at 700 MHz, 800 MHz and 900 MHz. The need for further competition among coordination services in the P/S and I/B pools is apparent and achievable in very short order. Noting that competitive coordination services are in the public interest, the Commission should certify all FCC-certified Part 90 frequency coordinators to perform frequency coordination for P/S and I/B applicants in the PMRS bands.

Respectfully submitted,

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